

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur Richard Powers, Jr.
Serial No.: 10/708,100
Filed: February 9, 2004
Confirmation No.: 2099
Title: INTEGRATED SPEAKER DEVICE
Examiner: Huyen D. Le
Art Unit: 2615
Docket No.: P-0301 ARP

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

June 28, 2007

RESPONSE TO OFFICE ACTION

Sir:

Applicant hereby submits this Response to the Office Action dated June 1, 2007 for the above-identified application. Claims 1-35 are pending in this Office Action. On March 20, 2007, applicant provided remarks indicating why the claims are believed to be allowable over the applied references. However, the outstanding Office Action contains only a revised restriction requirement and does not address the allowability of the claims. Applicant respectfully requests that the next Office Action address the allowability of at least the elected claims.

The revised restriction requirement alleges that there are five (5) different inventions and five (5) corresponding groups of claims. In part 5 on page 5 of the Office Action contains

statements directed to claims 29-35 divided into two groups. As to the restriction requirement, applicant elects Group I (claims 1-20, 27 and 28) with traverse.

The revised restriction requirement asserts that the Groups are subcombinations usable together. However, Group III (Claim 26) is directed to a method and thus quite clearly is not any subcombination or any part of any apparatus.

As to Group II (Claims 21-25), the assertions as to prospective uses of how a computer control means may be employed are speculative and cannot alone form the foundation for a restriction requirement between the strictly mechanical linked groups. As a consequence, the “reasons” asserted in part 2 on page 2 of the action are improperly drawn to speculative support as they have no bearing on distinguishing Groups I, II, IV, and V.

As to Groups IV and V, Claims 29 and 33 thereof are linked by common claimed features to the claims in elected Group I. These common claimed features include:

- (a) a body unit having an axis (first axis)
- (b) a speaker unit having a speaker face
- (c) the speaker face being coaxial to the body unit.
- (d) an opening in the body unit
- (e) a medium of electro-mechanical energy absorption (air, foam, etc.)
- (f) a length along the first axis being the same as or greater than a diameter of the body unit.

Additional common features, either in respective independent claims or in dependent claims, that may also be commonly searched include:

- (a) a rear cover unit
- (b) the rear cover unit being coaxial to the main axis
- (c) a clamping assembly/means for securing the rear cover
- (d) a shield unit
- (e) a defined length/diameter ratio
- (f) venting fins or heat transfer mechanism on the outer surface of the body unit.

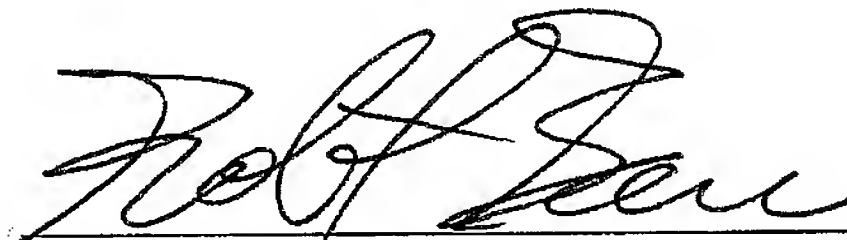
Thus, the independent claims 29 and 33 in Groups IV and V recite mere variants of the invention and as such should not be subject to restriction. Applicant asserts that while the independent claims are directed to differing claim aspects (with minor variants or including dependent claim details), this is common in the industry and that such an assertion alone is

insufficient to sustain the instant restriction. The asserted need for a broad search is not the basis for a restriction requirement where, as here, the broad search is necessitated even by the elected Group.

Conclusion

The Commissioner is hereby authorized to charge the extension of time fees, and any addition fee that may be necessary for the consideration of this Amendment, to Deposit Account No. 10-0100 (Atty. Dkt. No. P-0301 ARP).

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Robert M. Bauer", is written over a horizontal line.

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